

Chapter 735 ZONING -- OTHER DISTRICTS *

ARTICLE I. AIRPORT *

** Editor's note: This article consists of G.O. 58, 1994, adopted Mar. 16, 1994, as amended by G.O. 53, 1998, and adopted Apr. 6, 1998. Future amendments will be indicated by parenthetical history notes following the sections amended.*

Sec. 735-100. Establishment of official zoning map; establishment of Airport Special Use District.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The Director of the Department of Metropolitan Development shall be the custodian of the official zoning map.
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) An Airport Special Use District is hereby established as a primary zoning district, and shall permit the following uses:

Public airports municipally owned or operated, including all necessary navigation and flight operation facilities, and accessory uses including, but not limited to, terminal, storage and servicing facilities for airplanes or other aircraft, air research laboratories and other accessory uses directly related to the operation of such airport and an integral part thereof, including but not limited to, transportation, restaurant, hotel or motel facilities and similar related services for the comfort and accommodation of air passengers and the public, subject to the requirements of section 735-101.

(G.O. 31, 2001, § 4)

Sec. 735-101. Airport Special Use District regulations.

(a) No use permitted in the Airport Special Use District shall cause injury or damage to adjacent land uses, property or the public health, safety or welfare. Provided, however, that compliance by such public airport with all applicable safety and operational standards and regulations of the Federal Aviation Agency and other applicable federal aviation regulatory authorities shall be deemed compliance with this subsection's requirements, as applied to navigation and flight operational uses.

(b) All uses within the Airport Special Use District shall be served by and have access only from interior access roads located within such district to carry vehicular traffic to and from major entrances and exits serving the airport, and designated and constructed in accordance with street standards as specified by the "Standard Specification," Indiana Department of Transportation (8-17-1-39), 1988 Edition, the Indiana Department of Transportation Supplemental Specifications, and the Indianapolis Department of Public Works (DPW) Standards for Street and Bridge Design and Construction. In the event DPW specifications conflict with the Indiana Department of Transportation Standard Specifications, the most stringent specifications shall govern. The "Standard Specifications" of the Indiana Department of Transportation

(IDOT) are incorporated into this article by reference. Two (2) copies of the "Standard Specifications" are on file and available for public inspection in the office of the division of planning.

(c) For each use permitted within the Airport Special Use District, adequate off-street parking area with concrete or bituminous paved surface shall be provided. Such parking area shall not be located within one hundred (100) feet of any boundary of the Airport Special Use District, unless a compact hedge or row of shrubbery of at least four (4) feet in height is provided between such parking area and district boundary. In no case shall such parking area be located closer to a district boundary than ten (10) feet.

(d) No building or structure, or part thereof, shall be located within one hundred (100) feet of any boundary of the Airport Special Use District, and such one hundred-foot buffer area shall be maintained in turf, plant material or as off-street parking area, as provided in subsection (c) above.

(e) Prior to Improvement Location Permit issuance for any building or structure within the Airport Special Use District, the plat or site plan for such building or structure, in conformity with all applicable zoning requirements, shall be filed with the Department of Metropolitan Development of Marion County, Indiana.

(G.O. 2, 2002, § 19)

Sec. 735-102. Airport Special Use District designation.

All land within the Airport Special Use District shall be designated upon the official zoning map by the symbol "A" superimposed in the approximate geographic center of such district, the boundaries of which district to be designated and outlined.

(G.O. 31, 2001, § 5)

Sec. 735-103. Establishment of airspace district.

An airspace district, a secondary zoning district, is hereby established for Marion County, Indiana, and land within Marion County, Indiana, as designated on the official zoning map, is hereby zoned and classified as the airspace district. The airspace district shall consist of airport instrument and noninstrument approach surface areas, airport transitional surface areas, airport horizontal surface areas and conical surface areas, heliport approach surface areas and heliport transitional surface areas as defined in section 735-105 and indicated on the official zoning map.

(G.O. 31, 2001, § 5)

Sec. 735-104. Airspace district regulations.

The following regulations shall apply to all land within the airspace district. These regulations shall be in addition to all other primary or secondary zoning district regulations applicable to such land; in case of conflict, the more restrictive regulations shall control.

(a) Use.

- (1) Prohibited uses--Airport.** Within that part of the airport instrument and airport noninstrument approach surface areas and airport transitional surface areas of the official zoning map, which extend within ten thousand (10,000) feet from each end of a runway measured horizontally along the extended centerline of such runway, no building, structure or premises shall be erected, relocated or converted for use as a school, church, child caring institution, hospital, stadium, sports arena, public swimming pool, picnic grounds, public auditorium, theatre, assembly hall, carnival, amusement park, correctional institution or any other public assembly use.

- (2) **Prohibited uses--Heliport.** Within that part of the heliport surface areas and heliport transitional surface areas of the airspace district, as defined in section 735-105 and designated on the official zoning map, which extend four thousand (4,000) feet from the designated landing and takeoff area of the heliport, no building, structure or premises shall be erected, relocated or converted for use as a school, church, child caring institution, hospital, stadium, sports arena, public swimming pool, picnic grounds, public auditorium, assembly hall, carnival, amusement park, correctional institution or any other public assembly use.

(b) Height limits--Airports. Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintain within the airspace district to a height in excess of the following height limits herein established for the applicable airport instrument approach surface area, airport noninstrument approach surface area, airport transitional surface area, airport horizontal surface area and airport conical surface area, as defined in section 735-105 and designated on the official zoning map. (Such height limits shall be computed from the applicable runway elevation or airport elevation as designated on the official zoning map).

- (1) Height limits for the airport instrument approach surface area shall be: One (1) foot in height for each one hundred (100) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the instrument runway and extending to a distance of ten thousand two hundred (10,200) feet from the end of the runway; thence one (1) foot in height for each fifty (50) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the end of the runway.
- (2) Height limits for the airport noninstrument approach surface area shall be: One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the noninstrument runway and extending to a point five thousand two hundred (5,200) feet from the end of the runway; thence one (1) foot in height for each sixteen (16) feet in horizontal distance to a horizontal distance of ten thousand two hundred (10,200) feet from the end of the runway.
- (3) Height limits for the airport transitional surface area shall be: One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point two hundred fifty (250) feet from the centerline of noninstrument runways, measured at right angles to the longitudinal centerline of the runway, extending upward to a maximum height of one hundred fifty (150) feet above the established airport elevation as indicated on the official zoning map; one (1) foot vertical height for each seven (7) feet of horizontal distance measured from the outer lines of all instrument and noninstrument approach surface areas for the entire length of such approach surface areas, extending to their intersection with the outer line of the conical surface area; and, beyond such points of intersection, beginning at the outer lines of all instrument approach surface areas and extending a horizontal distance to five thousand (5,000) feet therefrom, measured at right angles to the continuation of the runway centerline, one (1) foot vertical height for each seven (7) feet of horizontal distance.
- (4) Height limit for the airport horizontal surface area shall be: One hundred fifty (150) feet above the established airport elevation as indicated on the official zoning map.
- (5) Height limit for the airport conical surface area shall be: One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal surface area and measured perpendicularly to the periphery of the horizontal surface area to a height of three hundred fifty (350) feet above the airport elevation. Provided, however, if any area is subject to more than one (1) of the above height limitations, the more restrictive limitation shall control. Provided, further, however, nothing in this article shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of fifty (50) feet or less above the surface of the land.

(c) Height limits--Heliports. Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintained within the airspace district to a height in excess of the following height limits herein established for the applicable heliport approach surface area and heliport transitional surface area, as defined in section 735-105 and designated on the official zoning map. (Such height limits shall be computed from the applicable heliport landing and takeoff area elevation as designated on the official zoning map).

- (1) Height limit for the heliport approach surface area shall be: One (1) foot in height for each eight (8) feet in horizontal distance beginning at the end of the heliport primary surface (such primary surface coinciding in size and shape with the designated takeoff and landing area of the heliport) with the same width as the primary surface and extending outward and upward from a horizontal distance of four thousand (4,000) feet where its width is five hundred (500) feet.
- (2) Height limit for the heliport transitional surface area shall be: One (1) foot in height for each two (2) feet in horizontal distance extending outward and upward from the lateral boundaries of the heliport primary surface and from the approach surface for a distance of two hundred fifty (250) feet measured horizontally from the centerline of the primary and approach surfaces. Provided, however, if any area is subject to more than one (1) of the above height limitations, the more restrictive limitation shall control. Provided further, however, nothing in this article shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of fifty (50) feet or less above the surface of the land.

(d) Performance standards. The following performance standards shall apply to all land within the perimeter of the airport conical surface area and heliport transitional surface area as defined in section 735-105 and indicated on the official zoning map.

- (1) Interface with communications. No use shall create interface with any form of communication, the primary purpose of which is for air navigation.
- (2) Glare; marking and lighting of airspace hazards.
 - a. All lights shall be located or shielded in such a manner that they do not interfere with runway, taxi, tower or any other airport and heliport lights or result in glare which may interfere with the use of the airport and heliport in landing, taking-off or maneuvering of aircraft.
 - b. Such markers and lights as may be required by the Indianapolis Airport Authority to indicate to air crews the presence of structures or trees constituting airspace hazards, as defined in section 735-105, shall be permitted.
- (3) Smoke, dust, particulate matter.
 - a. The emission of smoke, dust, particulate matter and any other airborne material shall be subject to the standards of Chapter 511 of this Code and regulations adopted pursuant thereto (a copy of which is on file in the Office of the Division of Planning of the Department of Metropolitan Development of Marion County, Indiana, and which standards and regulations are hereby incorporated by reference and made a part hereof).
 - b. No use shall cause smoke, dust, particulate matter or airborne material of any kind to escape beyond the lot lines in a manner detrimental to or endangering the visibility of air crews using the airport and heliport in landing, taking-off or maneuvering of aircraft.

(G.O. 31, 2001, § 5; G.O. 2, 2002, § 20)

Sec. 735-105. Construction of language and definitions.

(a) **Construction of language.** The language of this article shall be interpreted in accordance with the following regulations:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this article and any illustration or diagram, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either . . . or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

(b) **Definitions.**

Airport conical surface area. The land area designated as "airport conical surface area" on the official zoning map, beginning at the periphery of the horizontal surface area and thence extending outwardly a distance of four thousand (4,000) feet - such conical surface area not including, however, the instrument and noninstrument approach surface areas and transitional surface area.

Airport horizontal surface area. The land area designated as "airport horizontal surface area" on the official zoning map, the perimeter of which is determined by projecting arcs from the center of the inner line of each instrument and noninstrument approach surface area (the dimension of such arcs for instrument approach surface areas being ten thousand (10,000) feet and for noninstrument approach connecting adjacent arcs by lines tangent thereto - not including, however, as a part of the horizontal surface area, the instrument and noninstrument approach surface areas and transitional surface area).

Airport instrument approach surface area. The land area designated as "airport instrument approach surface area" on the official zoning map, located at each end of each instrument runway for landings and take-offs - such surface area having a width of one thousand (1,000) feet at a horizontal distance of two hundred (200) feet beyond each end of the runway and widening thereafter uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand two hundred (50,200) feet beyond each end of the runway, its centerline being the continuation of the runway centerline.

Airport landing area. The area of the airport used for the landing, taking-off or taxiing of aircraft.

Airport noninstrument approach surface area. The land area designated as "airport noninstrument approach surface area" on the official zoning map, located at each end of each noninstrument runway for noninstrument landings and take-offs - such surface area having a width of five hundred (500) feet at a horizontal distance of two hundred (200) feet beyond each end of the runway and widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand two hundred (10,200) feet beyond each end of the runway, its centerline being the continuation of the runway centerline.

Airport transitional surface area. The land area designated as "airport transitional surface area" on the official zoning map, located adjacent to each instrument and noninstrument runway - such surface area extending outward as indicated on the official zoning map from a line two hundred fifty (250) feet on either side of the centerline of a noninstrument runway, for the length of such runway plus two hundred (200) feet at each end thereof, to the inner line of the horizontal surface area, and from a line five hundred (500) feet of either side of the centerline of an instrument runway plus two hundred (200) feet at each end thereof, to the inner line of the horizontal surface area; further symmetrically located adjacent to each instrument and noninstrument runway approach surface area, on each side thereof, having variable widths, as indicated on the official zoning map, and extending the entire length of such approach surface areas to their intersection with the outline of the conical surface area; and further located beyond such points of intersection, beginning at the out lines of all instrument approach surface areas and extending a horizontal distance of five thousand (5,000) feet therefrom, measured at right angles to the continuation of the runway centerline, as indicated on the official zoning map.

Airspace hazard. Any structure, tree, object or use of land which obstructs the airspace or is otherwise hazardous to the flight of aircraft in landing or taking-off at a public airport or heliport, as determined to constitute an "airspace," "airport" or "heliport" hazard either by the Federal Aviation Administration, the Aeronautics Commission of Indiana or the Indianapolis Airport Authority.

Heliport approach surface area. The land area designated as "heliport approach surface area" on the official zoning map, located at the edge of the heliport landing and take-off area and widening thereafter uniformly to a width of five hundred (500) feet at a horizontal distance of four thousand (4,000) feet from the landing and take-off area.

Heliport landing and take-off area. The area of the heliport used for the landing and taking-off of helicopters.

Heliport primary surface area. That area coinciding in size and shape with the heliport landing and take-off area.

Heliport transitional surface area. The land area designated as transitional surface area on the official zoning map, located adjacent to the heliport primary surface - such surface extends outward perpendicular to the centerline of the primary and approach surfaces for a horizontal distance of two hundred fifty (250) feet.

Instrument runway. A runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.

Noninstrument runway. A runway other than an instrument runway.

Public airport or heliport. An airport or heliport publicly owned or operated, designated as a "public airport" or "public heliport" on the official zoning map, for which an Airspace District is established by this article.

Runway. The surface of the airport used for landing and taking-off of aircraft.

Structure. An object constructed or installed by man, including but without limitation, buildings, towers, smokestacks and overhead transmission lines.

(G.O. 31, 2001, § 5)